

FILED
U.S. DISTRICT COURT

2012 FEB -6 P 3:52

DISTRICT OF UTAH

BY: _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

GEORGE R. TORPE, an individual, Plaintiff, v. AURORA LOAN SERVICES, LLC, <i>et al.</i> , Defendants.	ORDER ON MOTION TO DISMISS Case No. 2:11-CV-00971-BSJ Judge Bruce S. Jenkins
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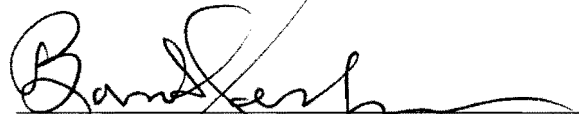
Defendants Aurora Loan Services, LLC, Aurora Bank, FSB, and Mortgage Electronic Registration Systems, Inc.'s Motion To Dismiss came on regularly for hearing before the Court on Wednesday, January 4, 2012, at 10:30 a.m. Plaintiff was represented by attorney Hal Armstrong. The moving Defendants were represented by attorney Philip D. Dracht. The Court having reviewed the parties' submissions and having heard oral argument, and being well advised on the pleadings, it is hereby ORDERED:

1. Movants' motion to dismiss is GRANTED as to Plaintiff's First Cause of Action (Declaratory Judgment), and Fifth Cause of Action (Injunctive Relief); and
2. Movants' motion to dismiss is DENIED as to Plaintiffs' Second Cause of Action (Breach of Contract/Breach of Covenant of Good Faith and Fair Dealing), Third Cause of Action (Promissory Estoppel), and Fourth Cause of Action (Breach of Covenant of Good Faith and Fair Dealing);

Defendants shall file an answer to the Complaint within 20 days.

DATED this 6th day of January, 2012.

BY THE COURT


Honorable Bruce S. Jenkins
United States District Judge

Approved as to form:

FABIAN & CLENDENIN, P.C.

/s/ Philip D. Dracht

Philip D. Dracht

Felicia B. Canfield

Attorneys for Movants

CERTIFICATE OF SERVICE

The undersigned certifies that, on January 11, 2012, the foregoing document was sent, by first-class United States Mail, postage prepaid, to:

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